
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1102 Session of
2020

INTRODUCED BY TARTAGLIONE, MUTH, FONTANA, SCHWANK, BREWSTER,
MENSCH, SANTARSIERO, KEARNEY, A. WILLIAMS, IOVINO, BLAKE,
COLLETT, LEACH, FARNESE, SABATINA, BOSCOLA, COSTA AND STREET,
APRIL 3, 2020

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, APRIL 3, 2020

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, providing for pandemic of 2020 guidelines for
3 grocery stores.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 3 of the Pennsylvania Consolidated Statutes
7 is amended by adding a chapter to read:

8 CHAPTER 73

9 PANDEMIC OF 2020 GUIDELINES FOR GROCERY STORES

10 Sec.

11 7301. Scope of chapter.

12 7302. Declaration of purpose.

13 7303. Definitions.

14 7304. Guidelines for social distancing.

15 7305. Guidelines for cleaning and personal hygiene.

16 7306. Compensation and benefit policies.

17 7307. Guidelines for attendance policies.

1 7308. Guidelines for infected employees.

2 § 7301. Scope of chapter.

3 This chapter relates to grocery stores that operate during
4 the pandemic of 2020.

5 § 7302. Declaration of purpose.

6 The General Assembly finds and declares as follows:

7 (1) On March 6, 2020, Governor Wolf declared a disaster
8 emergency throughout this Commonwealth in accordance with 35
9 Pa.C.S. § 7301(a) (relating to general authority of Governor)
10 as a result of the pandemic of 2020.

11 (2) On March 19, 2020, Governor Wolf issued an executive
12 order to close all non-life-sustaining businesses in this
13 Commonwealth to stop the spread of the coronavirus disease
14 (COVID-19) and combat the pandemic of 2020 as authorized
15 under section 5 of the act of April 23, 1956 (1955 P.L.1510,
16 No.500), known as the Disease Prevention and Control Law of
17 1955.

18 (3) In Governor Wolf's executive order on March 19,
19 2020, Governor Wolf specifically designated grocery stores as
20 life sustaining businesses that are allowed to operate during
21 the pandemic of 2020 to provide food and supplies to
22 residents of this Commonwealth.

23 (4) Consequently, grocery store employees are essential
24 employees who are necessary to maintain the health and well-
25 being of the residents of this Commonwealth during the
26 pandemic of 2020.

27 (5) Therefore, it is urgent that grocery store owners
28 implement procedures and safeguards to protect their
29 employees and customers from being infected with coronavirus
30 disease (COVID-19).

1 § 7303. Definitions.

2 The following words and phrases when used in this chapter
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Customer." An individual who purchases food, food products
6 or supplies from a grocery store.

7 "Grocery store." A retail establishment, commonly known as a
8 grocery store, supermarket or delicatessen, where food, food
9 products and supplies are sold for human consumption off the
10 premises.

11 "Health insurance policy." As follows:

12 (1) Any individual or group health, sickness or accident
13 policy or subscriber contract or certificate offered, issued
14 or renewed by an entity subject to one of the following:

15 (i) The act of May 17, 1921 (P.L.682, No.284), known
16 as The Insurance Company Law of 1921.

17 (ii) The act of December 29, 1972 (P.L.1701,
18 No.364), known as the Health Maintenance Organization
19 Act.

20 (iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan
21 corporations) or 63 (relating to professional health
22 services plan corporations).

23 (2) The term does not include accident only, fixed
24 indemnity, limited benefit, credit, dental, vision, specified
25 disease, Medicare supplement, Civilian Health and Medical
26 Program of the Uniformed Services (CHAMPUS) supplement, long-
27 term care or disability income, workers' compensation or
28 automobile medical payment insurance.

29 "Pandemic of 2020." The coronavirus disease (COVID-19)
30 outbreak in this Commonwealth.

1 "Social distancing." A deliberate measure to increase the
2 physical space between individuals to avoid spreading the
3 coronavirus disease (COVID-19).

4 § 7304. Guidelines for social distancing.

5 In order to ensure that grocery store employees and customers
6 are practicing social distancing, the department, in conjunction
7 with the Department of Health, shall develop guidelines to
8 recommend that an owner of a grocery store take all of the
9 following actions during the pandemic of 2020:

10 (1) Place floor markings to indicate where customers
11 should stand to put distance between each customer while they
12 stand in the checkout line.

13 (2) Place floor markings to indicate that customers
14 should stand behind the checkout area until it is time to
15 complete a transaction.

16 (3) Install plexiglass shields at each cash register and
17 any other area where customers are allowed to checkout.

18 (4) Establish limits on the amount of customers in the
19 grocery store at one time.

20 (5) Implement line control procedures indoors and
21 outdoors with appropriate spacing between each customer.

22 (6) Waive curbside and in-store pickup fees to avoid
23 crowds gathering inside the grocery store.

24 (7) Designate specific times for high-risk and senior
25 customers to shop at the grocery store.

26 § 7305. Guidelines for cleaning and personal hygiene.

27 (a) Required cleaning.--The department, in conjunction with
28 the Department of Health, shall develop guidelines to recommend
29 that an owner of a grocery store take all of the following
30 actions during the pandemic of 2020:

1 (1) Reduce the hours of operation for the grocery store
2 for the purpose of restocking, cleaning and disinfecting the
3 grocery store.

4 (2) Allow only half of the available cash registers to
5 be used at one time to provide space in between cash
6 registers.

7 (3) Require each cashier to switch to another cash
8 register every hour to allow the previously used cash
9 registers to be sanitized.

10 (b) Personal hygiene.--The department, in conjunction with
11 the Department of Health, shall develop guidelines to recommend
12 that an owner of a grocery store take all of the following
13 actions:

14 (1) Assign grocery store employees to substitute for
15 cashiers to allow cashiers to wash their hands with soap and
16 water for 20 seconds.

17 (2) Provide hand lotion to grocery store employees to
18 ensure that their hands do not crack as a result of hand
19 washing.

20 (3) Make hand sanitizer readily available for grocery
21 store employees.

22 (4) Schedule cashier station sanitation breaks.

23 (5) Assign grocery store employees to rotate through the
24 grocery store and sanitize frequently touched surfaces,
25 including credit card and debit card payment screens.

26 (6) Assign grocery store employees to wipe down shopping
27 carts and hand baskets on a regular basis.

28 (7) Reduce the handling of paper coupons.

29 (8) Prohibit the use of reusable shopping bags for any
30 purpose.

1 (9) Encourage the use of credit cards and debit cards
2 instead of cash.

3 § 7306. Compensation and benefit policies.

4 The department, in conjunction with the Department of Labor,
5 shall develop guidelines to recommend that an owner of a grocery
6 store take all of the following actions during the pandemic of
7 2020:

8 (1) Notwithstanding the compensation requirements under
9 Article IV of the act of December 5, 1936 (2nd Sp.Sess., 1937
10 P.L.2897, No.1), known as the Unemployment Compensation Law,
11 provide compensation, at the regular rate of pay, to grocery
12 store employees who have been infected with the coronavirus
13 disease (COVID-19) and are unable to perform work functions
14 or are otherwise subject to quarantine during the pandemic of
15 2020 as the regular rate of pay.

16 (2) Maintain the health insurance policy and other
17 employee-related benefits of grocery store employees who have
18 been infected with the coronavirus disease (COVID-19) and are
19 unable to perform work functions or are otherwise subject to
20 quarantine during the pandemic of 2020.

21 (3) In the case of grocery store employees who are
22 eligible for compensation for a temporary disability under
23 the act of June 2, 1915 (P.L.736, No.338), known as the
24 Workers' Compensation Act, waive any waiting periods
25 requirements for the grocery store employees who have been
26 infected with the coronavirus disease (COVID-19) and are
27 unable to perform work functions or are otherwise subject to
28 quarantine during the pandemic of 2020.

29 § 7307. Guidelines for attendance policies.

30 The department, in conjunction with the Department of Labor,

1 shall develop guidelines to recommend that an owner of a grocery
2 store take all of the following actions during the pandemic of
3 2020:

4 (1) Suspend attendance policies for grocery store
5 employees regarding any coronavirus disease (COVID-19) or
6 quarantine incident during the pandemic of 2020, regardless
7 of whether or not the absence of any grocery store employee
8 is mandated by a medical professional.

9 (2) In the case of grocery store employees who are
10 required to provide care for a family member or need to
11 address childcare issues during the pandemic of 2020, refrain
12 from penalizing the grocery store employees who utilize
13 personal paid time off or take an unpaid leave of absence.

14 § 7308. Guidelines for infected employees.

15 The department, in conjunction with the Department of Labor,
16 shall develop guidelines to recommend that an owner of a grocery
17 store take all of the following actions if a grocery store
18 employee has been infected with coronavirus disease (COVID-19)
19 or is otherwise subject to quarantine during the pandemic of
20 2020:

21 (1) If the infected grocery store employee has been on
22 the premises of the grocery store, immediately clean the area
23 where the grocery store employee was performing work
24 functions and send any grocery store employee home who worked
25 in the same area.

26 (2) Provide compensation to a grocery store employee who
27 worked in the same area as the infected grocery store
28 employee at the regular rate of pay for period of no less
29 than 14 days from the date the grocery store employee was
30 sent home.

1 Section 2. This act shall take effect immediately.